



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application)
of: **Lifestream Technologies, Inc.**)
Serial No.: **filed herewith**)
Inventor: **MAUS, et. al.**) Group Art No. 1743
Filed: **November 8, 1999**) Examiner: SIEFKE, Samuel P.
For: **HEALTH MONITORING AND DIAGNOSTIC**)
DEVICE AND NETWORK-BASED HEALTH)
ASSESSMENT AND MEDICAL RECORDS)
MAINTENANCE SYSTEM)

PRELIMINARY AMENDMENT

Mail Stop: CPA
Commissioner For Patents
PO Box 1450
Alexandria, VA. 22313-1450

August 26, 2003

Dear Sir:

In accordance with 37 C.F.R. §1.53(d), the above-identified Applicant submits herewith a divisional application of U.S. Patent Application Serial No. 09/436,323, originally filed on November 8, 1999. No new matter is introduced in this divisional application. Accordingly, Applicant respectfully requests the Examiner amend the application as follows:

Amendment to the Claims

Please cancel Claims 1-33 and 45-49 and please examine Claims 34-44.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service by Express Mail, label no. **EV 359500849 US** in an envelope addressed to: Mail Stop CPA, Commissioner for Patents, PO Box 1450, Alexandria Va. 22313-1450 on the following date:

Teri L. Bonica
Teri L. Bonica


August 26, 2003
Date

CONCLUSION

This amendment is responsive to a restriction requirement initiated by the Examiner in the parent application and cancels the claims originally canceled in the same. No new matter is introduced in this divisional application.

The U.S. Patent and Trademark is hereby authorized to withdraw payment of the required fees and credit any overpayment from Deposit Account Number, **50-2591**.

Respectfully submitted,


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